

32982

SERVICE DATE – OCTOBER 11, 2002

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-575 (Sub-No. 1X)

Montana Rail Link, Inc. - Abandonment Exemption - in Lake County, MT

BACKGROUND

In this proceeding, Montana Rail Link (MRL) has filed an application seeking authority under 49 U.S.C. 10903 to abandon and discontinue service on approximately 4.3 miles of track from MP 29.05 to MP 33.40 in and near Polson, Montana. The line is located in Lake County, Montana. A map depicting the rail line in relationship to the area served is appended to the report. If the application is approved, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to MRL, the branch line extending from Dixon to Polson, Montana (MP 0.0 to MP 33.40) was built by the Northern Pacific Railway and completed in 1918. This line is now identified as the 11th Subdivision. MRL acquired this branch line from Burlington Northern Railroad Company in 1987.

The US Highway 93 Evaro to Polson re-alignment project encroaches into the current MRL right-of-way near Polson. This encroachment results in the need for a railroad realignment or some other modification of the railroad line into Polson. The loss of lumber mills in Polson and the development of tourist and related service businesses within the city enables MRL and the Montana Department of Transportation (MDT) to consider abandonment of a portion of the rail line and the Polson yard. Along with the rail line abandonment, MRL and MDT have agreed on a plan to construct new rail facilities, including a dock and storage tracks, just south of Caffrey Road (MP 29.0). These new rail facilities will allow MRL to provide service to current and future customers in the Polson area.

The track that is scheduled to be abandoned traditionally transported forest products, aggregate, and building materials. Currently, the train transports these materials on a very limited basis. The current operations and management practices will continue at the new yard, and materials will continue to be transported with no change in service to clients. None of the three current shippers have any permanent facilities with track access in Polson. In the case of American Stone and Polson Ready Mix, the decorative stone is trucked from their pits into Polson for loading by a portable auger, which

has been setup in the existing yard. Western Building Centers (formerly Woody's) is located approximately one block from the end of the current track. They presently transload building supplies and lumber from rail cars spotted in the nearby Polson yard onto forklift, trucks, and trailers for final movement into their facility. All three shippers will have the option of continuing this type of transloading at the new rail yard being proposed near Caffrey Road. The haul distance to the Caffrey Road rail yard for both Polson Ready Mix and American Stone, which had 65 shipments between them during 2001, will be much less than they now travel to load rail cars in the current yard (approximately ½ mile compared to the present four miles). The haul for Western Building Centers, which had 4 shipments during 2001, will be longer to the Caffrey Road rail yard when compared to the haul from the current Polson yard (4.5 miles compared to the present one block). Truck traffic on the highway will effectively be reduced, and there is no anticipated increase in truck traffic as a result of the proposed abandonment. The proposed abandonment would eliminate seven public crossings and four private crossings.

The right-of-way width between MP 29.05 and MP 32.89 varies, but is generally 50 feet on each side of the main track centerline. The right-of-way from MP 29.05 to approximately MP 31.75 is rural. The right-of-way from MP 31.75 to MP 32.89 is residential. The right-of-way width between MP 32.89 and MP 33.40 (Polson Yard) varies, but is generally 400 feet wide, and is located in a mixed residential and small business neighborhood. Much of the right-of-way will be deeded to MDT for use in Highway 93 construction and a possible pedestrian and bike trail.

There is only one structure on the rail line being proposed for abandonment. This structure is a loading dock located within the existing Polson rail yard at MP 33.2. MRL cannot verify a date of construction, and cannot provide an opinion on the docks eligibility for listing in the National Register of Historic Places. The abandonment is located within the boundaries of the reservation of the Confederated Salish and Kootenai Tribes of the Flathead Nation (Tribes). The Tribes have assumed the former comment responsibilities of the Montana Historical Society (MT SHPO) for on-reservation undertakings. The Tribes have expressed support for the abandonment proposal. The Tribes are the best judge of the impacts this proposal may have on local cultural and archaeological sites. Based on support of the Tribes for the abandonment as proposed, there is little likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

ENVIRONMENTAL REVIEW

MRL submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. MRL served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board's) environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The Confederated Salish and Kootenai Tribes have indicated that there are Flathead Reservation wetlands and waters located within or adjacent to the railroad right-of-way that are likely subject to Tribal regulatory jurisdiction. If abandonment activities would require physical impact or alteration to these wetlands or waters, then a Tribal regulatory permit is required. Accordingly, we will recommend a consultation condition requiring that MRL contact the Tribes' Shorelines Protection Office prior to commencement of any salvage activities on this project.

The Confederated Salish and Kootenai Tribes have requested that appropriate health and safety protocols be utilized during abandonment activities to assure that there will be no release of creosote or other hazardous or deleterious materials to the environment from the removed rails and ties. In addition, the Tribes have requested the use of best management practices before, during, and after the abandonment to avoid and minimize potential erosion and sedimentation. Accordingly, we will recommend a consultation condition requiring that MRL contact the Confederated Salish and Kootenai Tribes prior to commencement of any salvage activities on this project.

CONDITIONS

We recommend that the following two environmental conditions, addressing the environmental concerns discussed above, be placed on any decision granting abandonment authority.

1. To address the concerns raised by the Confederated Salish and Kootenai Tribes of the Flathead Nation, MRL shall, prior to any salvage activities, contact Lloyd Jackson at the Tribes' Shorelines Protection Office at 406-675-2700, ext. 1222. concerning possible impacts to Flathead Reservation wetlands and waters located within or adjacent to the railroad right-of-way.
2. To address the concerns raised by the Confederated Salish and Kootenai Tribes of the Flathead Nation, MRL shall, prior to any salvage activities, contact the Confederated Salish and Kootenai Tribes concerning appropriate best management practices to be used during salvage activities to minimize potential erosion and sedimentation and to discuss appropriate health and safety protocols during the removal of rails and ties.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another

operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-575 (Sub No. 1X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: October 11, 2002.

Comment due date: **November 11, 2002 (30 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

